

Remarks:

1. Rejections

Claims 1-19 now stand rejected under 35 U.S.C. § 103(a), as allegedly rendered obvious by U.S. Patent No. 6,138,119 to Hall et al. (“Hall”) in view of Published Patent Application No. US 2002/0023109 A1 to Lederer, Jr. et al. (“Lederer II”). Applicant respectfully traverses.

2. Obviousness

As noted above, claims 1-19 stand rejected as allegedly rendered obvious by Hall in view of Lederer. In order for the Office Action to establish a prima facie case of obviousness, at least three criteria must be met. First, the prior art reference or references must disclose or suggest all the claim limitations. Second, there must be some suggestion or motivation, either in the reference itself or the combined references or in the knowledge generally available to one of ordinary skill in the art, to combine or modify the cited references, in the manner proposed by the Office Action. Third, there must be a reasonable expectation of success. MPEP 2143. For the reasons set forth below, Applicant respectfully traverses.

a. Rights Management Versus Compliance Data

Hall describes a descriptive data structure 200 (“DDS”) which is associated with a rights management data structure, e.g., a newspaper 102 or a magazine 106. DDS 200 includes DDS definitions 202. The Office Action asserts that “Hall’s ‘rights management’ reads on applicant’s ‘compliance data.’” Office Action Page 4, Lines 4-6. Applicant respectfully disagrees. As perviously noted, “[r]ights management” consists of “[p]olicies, legislation, caveats and/or classifications [e.g., top secret, secret, etc.] which govern or restrict access to or use of records.” Australian Government, National Archives of Australia, Recordkeeping Metadata Standards for Commonwealth Agencies, [http://www.naa.gov.au/record/keeping/control/rkms/rights_management.html#2\(2000\)](http://www.naa.gov.au/record/keeping/control/rkms/rights_management.html#2(2000)) (previously submitted). “Compliance data” does not govern or restrict access to data. Instead, according to Applicant,

compliance data [is] data relating to regulations, guidance documents, and/or international and domestic standards. Compliance data may be generated by governments, regulators, agencies, national or international bodies, and like sources, and is utilized by the public for personal, commercial, or industrial applications. Compliance data informs, instructs, or guides users to act in

accordance with a compliance authority's rules or expectations, e.g., a product manufacturer, such as a drug or medical device manufacturer, establishes procedures for shippers or couriers to eliminate or reduce mix-ups, damage, deterioration, contamination, or other adverse effects to a product during handling. However, because compliance data may be generated at a plurality of locations and by numerous sources, e.g., a plurality of remote web pages and sites on the Internet, a user is burdened by a large amount of navigation over the Internet or time consuming research through printed documents, or both. Further, a user may have to filter the compliance data of interest from large amounts of unwanted or unnecessary information. Moreover, compliance data may lack detailed organization or may be presented in data formats, which are cumbersome and not user friendly. Moreover, a user may not be familiar with a compliance data source's administration policy, e.g., a government agency's inspection policy, and may not have sufficiently developed database skills to locate the compliance data of interest. Thus, the current distribution and organization of compliance data makes it difficult for users to gather and utilize the compliance data in a beneficial or efficient manner.

Appl'n, Page 1, Line 20, through Page 2, Line 6. Thus, "[c]ompliance data, particularly standards, include information that serves as a rule for making judgements [sic] or as a basis for comparison, information authorized as the measure of quantity or quality, or information that serves as a standard or basis." Appl'n, Page 4, Lines 16-19. Consequently, unlike "rights management," which is a set of rules governing or restricting access to content; "compliance data" is content. See, e.g., Hall, Column 1, Lines 55-65, and Column 2, Lines 6-17.

According to Hall, access to data or content may be governed or restricted based on a the method by which the data is structured (e.g., formatted). For example, when the rights management data structure is newspaper 102, Hall's DDS definitions 202 define a generic format that a newspaper style publication could use. Specifically, a first DDS definition 202a does not specify a particular headline of newspaper 102, e.g., Yankees Win the Pennant, but instead defines a location of the headline within newspaper 102. Because DDS 200 is generic to a class or a family of style content publications, it can be reused. See, e.g., Hall, Column 10, Lines 58-68; and Column 11, Lines 1-3. In another example, when rights management data structure is magazine 106, because magazines typically do not include headlines or breaking news, DDS 200 may not define such formatting. Instead, DDS 200 for magazine 106 may define issue date, a magazine title, the name of the photographer, and associated artwork designation.

The essence of "rights management" using Hall's DDSs is that the content is known and categorized or formatted in advance of its search or use. Applicant understands that

in rights management structures, security of the content is achieved because access to the content may be authorized based on these divisions. To use Hall's metaphor, instead of trying to acquire information, the person seeking content obtains the prepackaged content of a rights management structure, similar to a "paint by numbers" painting kit. Hall, Column 3, Lines 20-33. Hall may describe some flexibility in the gaining access to information, but this flexibility is achieved by searching formatted containers; providing the format, so that others may produce compatible containers; or temporarily creating compatible containers, so that they may be accessed. Hall, Column 6, Lines 32-61.

As noted above, the Office Action, states that "Hall's 'right[s] management' includes the regulation of data via governing access to data, which is implied by applicant's claim language reference to 'compliance data.'" Office Action, Page 4, Lines 6-8 (emphasis added). If present, no such implication was intended, and Applicant is amending independent claims 1 and 13 to clarify the distinction between Hall's "rights management" and Applicant's "compliance data" and to remove any unintended "implication." Specifically, Claims 1 and 13 now provide that "said at least one requirement for complying with at least one of standards, regulations and laws does not control or manage access to said compliance data." Applicant describes "information security" provisions, but they are supplied through separate software. Appl'n, Page 6, Lines 20-29; see also Appl'n, Claims 9-11, 14, 17, and 18.

Although the Office Action proposes to combine Lederer II's disclosure with that of Hall, the Office Action seems to rely on Lederer II primarily to demonstrate that systems for ensuring compliance with regulations were known in the art. In particular, the Office Action asserts that "compliance data" comprising at least one requirement for complying with a standard regulation or law was known at the time that Applicant filed her application. Office Action, Page 3, Line 1 (*citing* Lederer II, Paras. [0041] and [0042].)¹ The Office Action, however, continues to rely on Hall for the disclosure of most of the steps of Applicant's claimed method and the elements of Applicant's claimed system. In view of the foregoing remarks, Applicant maintains that "rights management" does not read on "compliance data," in amended claims 1

¹ Applicant notes that Paras. [0041] and [0042] do not appear in U.S. Provisional Patent Appl'n No. 60/173,725 to Lederer Jr. *et al.* ("Lederer I"). The filing date of Lederer II is after the filing date of the above-captioned patent application, the Office Action does not identify text from Lederer I in support of its rejections.

and 13, and that to the extent that rights management governs or restricts access to data, data sorted to achieve access control does not disclose or suggest compliance data.

Because Hall's "rights management" does not read on Applicant's "compliance data," Applicant's compliance data may not be read into the Hall's system, as proposed by the Office Action. Consequently, Applicant maintains that the Office Action fails to demonstrate that Hall in view of Lederer II discloses or suggests each and every element of the claimed invention. Therefore, Applicant respectfully requests that the Examiner reconsider the obviousness rejection in view of the foregoing remarks and withdraw the rejections to the pending claims.

b. No Motivation or Suggestion to Combine

To the extent that Lederer II describes "compliance data," the Office Action has demonstrated no suggestion or motivation for substituting a Lederer II's compliance data for Hall's rights management data or descriptive data structures (DDS). As noted above, Hall describes the manipulation of DDS to provide an abstract representation of a rights management structure. E.g., Hall, Abstract. A rights management structure is a method or system for providing secure digital containers to safely and securely store and transport digital content. Hall, Column 1, Lines 40-41. Referring to **Figs. 1A, 1B, 2A, and 2B**, Hall describes how DDSs are used to divide identified elements of content (e.g., sections of a newspaper or magazine) within a data container. Not only may the content be divided in this fashion, but access to the content may be granted or denied based on these divisions. See, e.g., Hall, Column 4, Line 38, through Column 5, Line 4.

Hall determines a format and conforms the information for which access will be controlled to that format. The Office Action contends that it would have been obvious to a person skilled in the art to combine Lederer II with Hall because "using the steps of 'said compliance data comprising at least one requirement for complying with at least one of standards, regulations and laws' would have given those skilled in the art the tools to set specific standards for the use in describing data that must abide by data rules. This gives users the advantage of maintaining the integrity level of transferred data in a network environment more efficiently." Office Action, Page 3, Lines 3-8. This may be a reason to combine Lederer with Hall, but this combination does not achieve the claimed invention and therefore, fails to support

an obviousness rejection. Applicant's invention "gathers" compliance data from a plurality of compliance data sources and then "edits" the gathered data to include organizational data, i.e., searches and then modifies the data, and then imposes a format. Compliance data, by its very nature, must be available to all persons seeking to be in compliance. Applicant's claimed invention does not seek to restrict or govern access to any content. Instead, the claimed invention seeks to facilitate the gathering, editing (e.g., tailoring), storing, and delivering compliance data to the user seeking to comply. This is a fundamental difference between Hall and Applicant's claimed invention - a difference which is not bridged by Lederer II.

Further, Hall describes the division of data into access limited containers. Such a division may be desirable when trying to govern or restrict access to the data. Nevertheless, such a division is contrary to the claims to and goals of Applicant's invention. Specifically, "it is another feature of the invention is [sic] that a central repository is provided to users to eliminate the need to search in multiple locations for data." Appl'n, Page 3, Lines 11-13; see also Appl'n, Page 1, Lines 27-31 (quoted above); Appl'n, Claim 1 ("gathering compliance data from at least one compliance data source . . . ").

At least because Applicant's compliance data may not properly be equated to Hall's management rights, the Office Action has failed to demonstrate that a person of ordinary skill in the art would have been motivated to modify Hall to include Lederer II's teaching with respect to compliance data to achieve Applicant's claimed invention. In addition, because of the fundamentally different goals of Hall's rights management system and Applicant's invention, the Office Action fails to demonstrate the required motivation or suggestion to combine Hall and Lederer II. In the absence of such a motivation or suggestion to combine to achieve the claimed invention, the obviousness rejection of claims 1-19 is untenable. Therefore, Applicant respectfully requests that the Examiner reconsider the obviousness rejection in view of the foregoing remarks and withdraw the rejections to the pending claims.

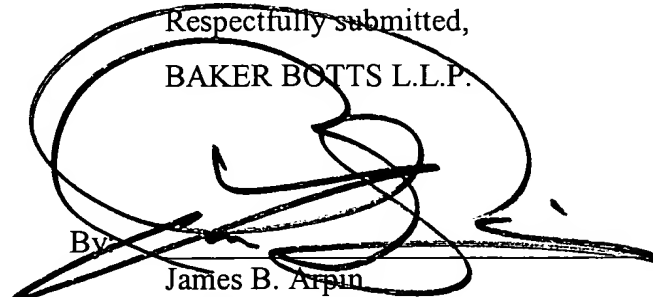
Conclusion:

Applicant respectfully submits that this application, as amended, is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that an interview with Applicant's representatives, either in person or by telephone, would expedite prosecution of this application, we would welcome such an opportunity. Applicant believes that no excess claim fees are due as a result of this responsive amendment. Nevertheless, in the event

of any variance between the fees paid by Applicant and those determined by the PTO, please charge any such variance to the undersigned's Deposit Account No. 02-0375.

Respectfully submitted,
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Enclosures